IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR.

S.B. CIVIL SECOND APPEAL NO.591/2007
Virendra Mohan Saxena Vs. Vijay Singh Solanki.

26.10.2007.

HON'BLE MR. JUSTICE DALIP SINGH

Shri M.M. Ranjan for the appellant.
Shri Virendra Mohan Saxena, present in person.
Shri Usman Khan, for the appellant.
Shri Vijay Singh Solanki, present in person.

Heard learned counsel for the parties.

The learned counsel for the appellant in consultation and under instructions from the appellant submits that the appellant does not wish to press this appeal on merits but he may be permitted some reasonable time to vacate the premises.

The learned counsel for the respondent on instructions from the respondent submits that the respondent agrees not to execute the decree upto 30.6.2008.

In view of the above it is directed in terms of the above that in case the appellant submits an undertaking before the learned trial court within four weeks from today that he will handover vacant and peaceful possession of the premises in dispute to the landlord decree holder on or before 30.6.2008 the execution of the decree shall remain stayed.

The undertaking shall also states that he shall not sub-let, assign or part-with the possession or create any third party interest in the premises.

The appellant shall deposit all arrears of

rent in terms of the decree upto 30.6.2008 within the aforesaid period of four weeks. He shall also continue to deposit/pay the rent month by month regularly before the 15th day of the next succeeding month.

In case the appellant does not fulfill any of the above conditions as agreed by the respondent-decree-holder shall be at liberty to execute the decree forthwith.

This appeal and stay application are dismissed subject to the above.

(DALIPSINGH)J.

Ramchandrkhatri,PS